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NOTICE OF ALLOWANCE AND FEE(S) DUE

1912 7590 06/23/2010

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

EXAMINER	
RAMACHANDRAN, UMAMAHESWARI	
ART UNIT	PAPER NUMBER
1627	

DATE MAILED: 06/23/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,423	01/06/2004	Erik Buntinx	29248/19	3783

TITLE OF INVENTION: METHOD OF TREATING MENTAL DISORDERS USING D4 AND 5-HT2A ANTAGONISTS, INVERSE AGONISTS OR PARTIAL AGONISTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	09/23/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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nonprovisional	YES	$755	$300	$0	$1055	09/23/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMACHANDRAN, UMAMAHESWARI	1627	514-567000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DATE MAILED: 06/23/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 650 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 650 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/752,423	BUNTINX, ERIK	
	Examiner	Art Unit	
	UMAMAHESWARI RAMACHANDRAN	1627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *5/28/2010*.

2. ☒ The allowed claim(s) is/are *64, 69-84 renumbered as 1-17*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 5/28/2010
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Applicants have amended claim 64 and have added new claims 69-84. Claims 1-63, 65-68 have been cancelled.

Application Priority

This application filed on 1/6/2004 is a CON of 10/725965, filed 12/2/2003.

Information Disclosure Statement

The information disclosure statement (IDS) filed on 5/28/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the Examiner.

REASONS FOR ALLOWANCE

Applicants' amendments filed on 5/28/2010 and arguments showing unexpected results of combination of low dose pipamperone with citalopram (12/10/2009) necessitated the withdrawal of the 103(a) rejections. The ODP rejection of claim 68 over 10/580,962 is withdrawn due to Applicants' cancellation of the claim. Also, the instant application is a base application and application 10/580,962, a CIP of this application with the same filing date (MPEP 804, Non statutory double patenting rejections). Applicants' arguments and showing of unexpected results in combination of pipamperone and citalopram necessitated the withdrawal of 103(a) rejection. The rejection of claim 64 under 35 U.S.C. 112, first paragraph, is withdrawn due to Applicants' amendments. Claims 64, 69-84 are allowable and are renumbered as 1-17.

The following is an examiner's statement of reasons for allowance:

Claims 64, 69-84 are directed to a method of treating an anxiety disorder in a patient comprising administering to the patient a pharmaceutical composition comprising pipamperone at a dose of 5-15 mg and citalopram in a dose of 10-40 mg.

The closest prior art are Cremers et al. (U.S. 2003/0032636, effective filing date, Dec 6 1999) and Prinssen et al. (E J of Pharmacology, 388, 2000, 57-67) and Bymaster et al. (WO 98/11897). Cremers et al. teaches the use of compositions of compounds having serotonin reuptake inhibiting activity and 5-HT2C antagonistic activity for the treatments of depression and other affective disorders such as anxiety disorder and further teaches citalopram, as SSRI compound. Prinssen et al. teaches pipamperone, an antipsychotic compound as one of the 5-HT2C antagonistic compound. Pipamperone is known in the art for treating agitation and anxiety. Bymaster et al. teaches a method of treating a patient suffering from mild anxiety states comprising administering a first component a atypical antipsychotic agent in combination with effective amount of a serotonin reuptake inhibitor such as citalopram. The claimed invention requires the administration of pipamperone of low dose of 5 to 15 mg. The Applicants have shown that low dose of pipamperone augments the effect of citalopram in treating a disease anxiety or mood disorder. In the prior art, pipamperone is used at higher doses acting as a sedative neurolepticurn. The prior art teaches using the highest tolerable dose for treating psychoses and however, at these higher doses pipamperone has no therapeutic effect on the SSRI because an antagonistic activity towards the D2 and alpha-adrenergic receptor takes place, which dominates the clinical effect and this is well-known in the art. The neuroleptic-sedative effect of pipamperone

results from the high dose pipamperone and this neuroleptic-sedative effect is absent at the claimed low dose of 5-15 mg/day. Dipiperon (Manufacturer document) teaches an initial dose of 40 to 80 mg day, and for children the initial dose is 20 mg per day, and the optimal therapeutic dose varies from 20 to 40 mg per day. There is no teaching or suggestion in the cited references to administer pipamperone at a lower dose than the recommended dose. From Prinssen's teachings it can be stated that pipamperone needs to be administered in a high dose in order to achieve a clinically relevant effect. Cremers seeks to treat patients with a drug dose displaying clinically relevant S-HT2c receptor binding and pipamperone does not lead to a relevant S-HT2c receptor occupancy at the claimed dose, but instead requires a much higher dose to be clinically effective in respect of S-HT2c binding. Hence the prior art teachings do not teach or suggest administration of a low dose of pipamperone. In addition, Applicants have shown that low dose of pipamperone, 5-15 mg augments the effects of antidepressant citalopram. Wade et al. 2009 reports that a very low daily dose of pipamperone (5 mg) added to citalopram (40 mg) provided superior antidepressant effects and less discontinuations compared with citalopram alone. In contrast, treatments with atypical antipsychotics are known to be associated with increased risk of discontinuation due to adverse events (see, e.g. meta-analysis by Nelson et al. 2009). Buntinx, E. et al., 'Preclinical and clinical evidence for the efficacy of pipamperone in augmenting the antidepressant effects of the SSRI citalopram." International Journal of Neuropsychopharmaccology, volume 1, supplement 1, p. 190, July 2008) and the poster presented at the XXVI Collegium Internationale Neuro- Psychopharmacologicum

(CINP) Congress 13-17 July 2008 clearly shows that low dose of pipamperone 8-12 mg augments the effects of antidepressant citalopram (10-20 mg). Applicants' showing of a combination of unconventional dosage of 5-10 mg of pipamperone with citalopram and the augmentation effects of citalopram by low dosage pipamperone is not taught or suggested by the prior art. There is no anticipation or motivation of using such a low dose pipamperone with citalopram in a method of treating anxiety disorder. The claims are allowable over the closest art of record because they do not teach, disclose nor make obvious the claimed invention of a method of treating an anxiety disorder in a patient comprising administering to the patient a pharmaceutical composition comprising pipamperone at a dose of 5-15 mg and citalopram in a dose of 10-40 mg.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umamaheswari Ramachandran whose telephone number is 571-272-9926. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1627